



RECEIVED

OCT 23 2002

Technology Center 2100

Please type a plus sign (+) inside this box → ☐PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/099,833	
	Filing Date	March 14, 2002	
	First Named Inventor	Thomas Mayberry	
	Group Art Unit	2122	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	52	Attorney Docket Number	EMPIR-035AUS

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-receipt postcard 3 Cited References Copy of International Search Report
Remarks In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.		

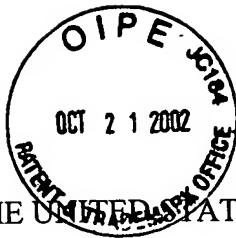
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David W. Rouille	Reg. No.	40,150
	Daly, Crowley & Mofford, LLP		
Signature	<i>David W. Rouille</i>		
Date	16-Oct-2002		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 16-Oct-2002			
Typed or printed name	David W. Rouille		
Signature	<i>David W. Rouille</i>	Date	16-Oct-2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Mayberry

Application No.: 10/099,833

Filed: March 14, 2002

Entitled: SOFTWARE TEST MESSAGE
STREAMS

Docket: EMPIR-035AUS

Group Art Unit: 2122

Examiner: Not Yet Assigned

RECEIVED

OCT 23 2002

Technology Center 2100

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

16-Oct-2002
Date of Signature
and Mail Deposit

By: David W. Rouille
David W. Rouille
Reg. No. 40.150
Agent for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the entry of the national stage of the above-identified application or before the mailing of a first Office Action on the merits. Accordingly, Applicant(s) believes that no fee or certification is required.

☐ (1a) Applicant(s) believe the enclosed Information Disclosure Statement is entitled to the benefit of 37 C.F.R. § 1.97 (b) (3). Accordingly, Applicant(s) believe that no fee or certification is required.

☐ (1b) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

☐ a certification under 37 C.F.R. § 1.97(e); ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 C.F.R. § 1.97(d)

☐ (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant(s) hereby petition the Assistant Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state that the issue fee has not been paid and that a certification under 37 C.F.R. § 1.97(e) is provided herein, along with the petition fee of \$130.00 required under 37 C.F.R. § 1.17(i).

CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (1)

☐ (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. § 1.97 (e) (2)

☐ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counter part foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

DALY, CROWLEY & MOFFORD, LLP

By: David W. Rouille
David W. Rouille
Reg. No. 40,150
Agent for Applicant(s)

Dated: 16-Oct-2002

275 Turnpike Street – Suite 101
Canton, MA 02021-2310
Telephone: (781) 401-9988
Facsimile: (781) 401-9966

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.
EMPIR-035AUS

APPLICATION NO.
10/099,833

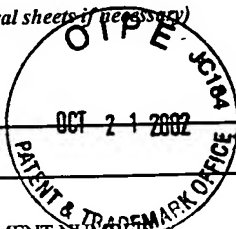
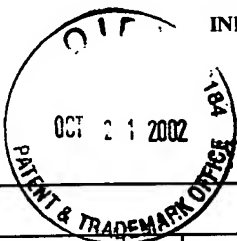
INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT
Thomas Mayberry

FILING DATE
March 14, 2002

GROUP
2122



U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*
	6 2 1 9 6 4 8	4/17/01	Jones et al.			
	5 7 8 4 5 4 4	7/21/98	Stevens			
	5 6 7 5 5 7 5	10/7/97	Wall, Jr. et al.			

RECEIVED

OCT 23 2002

Technology Center 2100

FOREIGN PATENT DOCUMENTS

FOREIGN FILM DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

International Search Report for PCT/US02/07874

Examiner

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant.